



Internal Correspondence

TO: Kay Nickloes

DATE: 1/16/97

FROM: Rick Kappesser

SUBJECT: **GENERAL DOCUMENT FILE**
#15500-1 (Elec.) and #15500-5 (Gas)
FRANCHISE ORDINANCE - CITY OF CRESCENT PARK

On March 17, 1994, The Union Light, Heat and Power Company was awarded a 20 year Gas Franchise and a 20 year Electric Franchise by the City of Crescent Park.

Copies of the following related documents are enclosed:

- Application for certificate of Public Convenience and Necessity
- Authorization Order of the Commission granting the certificate
- Advertisement for bids - Ordinance #'s 1994-2, 1994-3
- Bid for Gas and Electric Franchise
- Acceptance of Bid - Ordinance #'s 1994-4, 1994-5

Please include these documents in the General Documental File #15500-1 for the Electric and Documental File #1500-5 for the Gas. Follow-up is to occur six (6) months prior to the expiration date of March 17, 2014.

RTK:gar

cc: G. Bricking
H. Boesing
R. Kirch
D. Rottinghaus
J. Venneman

TARIFF BRANCH
RECEIVED
10/18/2012
PUBLIC SERVICE
COMMISSION
OF KENTUCKY

December 3, 1993

Mr. Donald R. Mills
Executive Director
Kentucky Public Service Commission
730 Schenkel Lane
Frankfort, Kentucky 40602

C
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P
Y

Dear Mr. Mills:

Enclosed is an original and ten (10) conformed copies of an Application for a Certificate of Public Convenience and Necessity to bid on gas and electric franchises in the City of Crescent Park, Kentucky, and to exercise all rights and privileges under the franchises upon award to this Company as the highest and best bidder. If Union Light is the successful bidder on same, a copy thereof will be timely filed with your office.

Please assign a case number for the application and time-stamp the additional copy of each that is enclosed and return for our file. Thank you.

Very truly yours,



Albert T. Moeller

ATM:ga

Enclosure

bcc: R. Kappesser (letter only)
M. A. Gribler



COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THE UNION LIGHT, HEAT)
AND POWER COMPANY FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO BID ON GAS AND ELECTRIC FRANCHISES) CASE NO. 93-458
IN THE CITY OF CRESCENT PARK,)
COMMONWEALTH OF KENTUCKY)

O R D E R

On December 7, 1993, The Union Light, Heat and Power Company ("ULH&P") filed with the Commission its application seeking a Certificate of Convenience and Necessity to qualify it to bid on gas and electric franchises in the city of Crescent Park, Kentucky. Under the provisions of KRS 278.020(3), no utility may apply for a franchise from any governmental agency until it has obtained a Certificate of Convenience and Necessity from this Commission based on our finding that there is a need and demand for the service sought to be rendered.

The Commission determines that there is evidence of a need and demand for gas and electric service in the above-mentioned city. Since the Commission's authority in such matters is limited by statute to finding only whether there is a need and demand for the service sought to be rendered, no finding or determination is made as to the qualifications of the bidder, the validity of any of the provisions of the franchise offered by said city, or the manner in which any franchise fee is to be treated for rate purposes.

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IT IS THEREFORE ORDERED that:

1. ULH&P is granted a Certificate of Convenience and Necessity which authorizes it to bid on gas and electric franchises in the above-mentioned city.

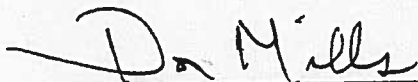
2. ULH&P, if it becomes the successful bidder, shall file with this Commission two copies of the franchise agreement.

3. This Order shall not be construed as granting a Certificate of Convenience and Necessity to construct utility facilities in the said city.

Done at Frankfort, Kentucky, this 15th day of December, 1993.

By the Commission

ATTEST:



Executive Director



ORDINANCE NO. 1994-2

GRANTING AND OFFERING FOR SALE A 20-YEAR
FRANCHISE TO PLACE ELECTRIC TRANSMISSION AND
DISTRIBUTION FACILITIES IN PUBLIC STREETS AND
PLACES OF THE CITY OF CRESCENT PARK, KENTON
COUNTY, KENTUCKY.

THE COUNCIL OF THE CITY OF CRESCENT PARK, COMMONWEALTH
OF KENTUCKY, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City hereby grants and offers for sale to the successful bidder, its successors and assigns, a franchise, consent, right, and privilege for a period of 20 years starting from the date of acceptance of the bid of the successful bidder, to construct, reconstruct, erect, extend, operate, maintain, repair, replace, and remove (collectively called install or installation) poles, anchoring systems, manholes, pullboxes, surface mounted equipment, conduit, wires, cable, apparatus, fixtures, and equipment for the transmission and distribution of electricity (collectively called facilities) within, along, over, under and across the public streets, alleys, ways, places, lands, and grounds of the City (collectively called public property). Such transmission and distribution shall include the transmission and distribution of electricity into, through, and out of the City. The successful bidder shall not encumber public property by temporary obstructions or excavations any longer than shall be necessary in the accomplishment of such purposes. If during the franchise period the City constructs or relocates public property, sewer lines, water lines, or other utilities owned by it and located within the boundaries of any public property, and such construction or relocation interferes with the facilities of the successful bidder, the successful bidder shall, within a reasonable time after receiving written request from the City Administrator, move or relocate the same within the public property so as not to interfere therewith; but the successful bidder shall not be required to terminate any service provided by its facilities. Where such moving or relocation of the successful bidder's facilities is required, the



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successful bidder's right to be reimbursed for such moving or relocation will be determined by the applicable law concerning reimbursement on the basis of governmental and proprietary activities of the City of any then current law. The successful bidder shall have the right, without payment of fees, to cut, trim or remove any trees, overhanging branches or other obstructions on public property which, in the opinion of the appropriate engineer of the successful bidder, may endanger the safety of or interfere with the efficient installation, operation, and maintenance of the successful bidder's facilities.

Before any installation of facilities, which requires ground disturbance, on public property is made by the successful bidder, it shall notify the City and the City shall issue a permit for such installation at no cost to the successful bidder. Notwithstanding the above, no notification shall be required when the successful bidder deems an emergency exists.

SECTION 2. The successful bidder shall defend and indemnify the City against any suit or claim for any expense or liability whatsoever by reason of the sole negligence of the successful bidder arising out of the construction, maintenance, or operation of its facilities.

SECTION 3. The word City means the City of Crescent Park, Kenton County, Kentucky, its successors and assigns, as it now exists or as changed through annexation, reduction of its boundaries, merger, consolidation, or other similar proceedings.

SECTION 4. The City Clerk is hereby directed to advertise, as provided by law, for bids for this franchise, such bids to be received by City Council at its regular meeting to be held at 7:30 P.M. on the 17th day of *FEBRUARY*, 199*4*. Each bid shall be sealed and marked "Bid for Electric Franchise", and shall be opened by City Council at such *regular meeting*.

SECTION 5. This ordinance and the bid accepted by the City Council shall take effect and be in force from and after the earliest period allowed by law, and upon *10/18/2012* passage of the ordinance accepting the bid, shall become a binding contract according to its terms between the City and the successful bidder.

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1ST READING DECEMBER 9, 1993
2ND READING JANUARY 24, 1994
PASSED: JANUARY 24, 1994
ALL IN FAVOR

Mary K. Ward
MAYOR

ATTEST: Mary K. Ward
CLERK

AUTHENTICATION

I, MARY WARD, Clerk of the Council of the City of Crescent Park, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1994-2, passed by Council of said City on the 24th day of JANUARY, 1994, and recorded in the official journal of said City.

Given under my hand and the seal of the City of CRESCENT PARK Florence, this 24th day of JANUARY, 1994.

Mary K. Ward
CLERK



ORDINANCE NO. 1994-4

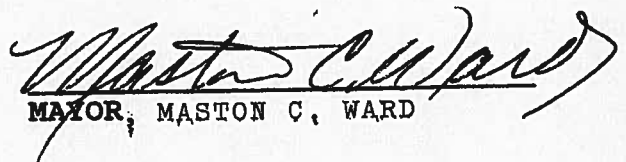
ACCEPTING THE BID OF THE UNION LIGHT, HEAT AND
POWER COMPANY AS HIGHEST AND BEST BIDDER UNDER
ORDINANCE NO. 1994-2.

THE CITY COUNCIL OF THE CITY OF CRESCENT PARK, KENTON COUNTY,
KENTUCKY DOES ORDAIN AS FOLLOWS:

SECTION 1. That The Union Light, Heat and Power Company is
the highest and best bidder of the sale of the franchise granted by
Ordinance No. 1994-2 passed by the City Council of the City of
Crescent Park on the ~~31st~~^{24th} day of ~~February~~^{January} 1994, and that the
bid of such Company is accepted and The Union Light, Heat and Power
Company is hereby designated as the grantee of such franchise.

SECTION 2. That this Ordinance shall be effective at the
earliest time allowed by law.

Passed this 17th day of March, 1994.


MAYOR, MASTON C. WARD

ATTEST:


CLERK, TREASURER
MARY WARD

First Reading: 2/17/94
Second Reading: 3/17/94
Vote: All in Favor



STATE OF KENTUCKY
COUNTY OF KENTON
CITY OF CRESCENT PARK

I, Mary Ward, Clerk of the City of
Crescent Park, Kenton County, Kentucky, do hereby certify that the
foregoing is a true and correct copy of Ordinance No. 1994-4,
passed by the City Council of said City on the 17th day of March,
 , 1994, and recorded in the official journal of said City.

Given under my hand and the seal of the City of Crescent Park,
Kenton County, Kentucky, this 17th day of March, 1994.

Mary Ward.
Clerk-Treasurer
MARY WARD

